

1 By Supervisor Lynne De Bruin, Chairperson  
2 Committee on Parks, Energy and Environment reporting on

3  
4 File No. 05-253  
5 (Journal, May 26, 2005)  
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7 (ITEM NO. 1) A resolution by Supervisors De Bruin and Broderick clarifying the  
8 Lakefront Development Advisory Commission's authority for making non-binding  
9 recommendations on development proposals for the lakefront of Lake Michigan  
10 within Milwaukee County, by recommending adoption of the following:  
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### 12 **AN AMENDED RESOLUTION**

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14 WHEREAS, the Milwaukee County Board of Supervisors created the  
15 Lakefront Development Advisory Commission (LDAC) to apply criteria  
16 developed by the Lakefront Task Force to proposed developments along the  
17 lakefront of Lake Michigan in Milwaukee County (File No. 03-360(a)(a)); and  
18

19 WHEREAS, the original resolution, as recommended by the Lakefront Task  
20 Force, established a boundary from the Milwaukee River to the Linnwood Water  
21 Filtration Plant, which is entirely public land, so further clarification on whether  
22 public versus private lands were involved was not needed; and  
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24 WHEREAS, the adopted resolution, as amended by the County Board,  
25 included the entire Milwaukee County shoreline without reference to public or  
26 private lands; and  
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28 WHEREAS, the Commission diligently reviewed two development  
29 proposals and provided the County Board with comprehensive and rational  
30 recommendations for which the Board was able to make its decisions; and  
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32 WHEREAS, nevertheless, the adopted resolution did not define  
33 "development" as it relates to LDAC's functions; therefore, Commission  
34 members and members of the County Board have varying and conflicting  
35 interpretations of its definition; and  
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37 WHEREAS, Corporation Counsel has opined that a new resolution is  
38 needed to clarify the authority of the Commission and expressly limit its  
39 jurisdiction to public lakefront lands, removing any implied jurisdiction over  
40 private lands; and  
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42 WHEREAS, clarifying the Commission's authority, as well as its jurisdiction, to  
43 specific developments on publicly owned lakefront land will limit future conflicts

44 and ensure a faster and more efficient process for making recommendations to  
45 the County Board and City of Milwaukee; and

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47 WHEREAS, certain types of leases and special event permits may limit the  
48 public's access and use of the lakefront and, as such, the Parks Superintendent  
49 and County Board staff should recommend to the County Board which of these  
50 leases and special events should be presented before the Lakefront  
51 Development Advisory Commission for its review; and

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53 WHEREAS, Corporation Counsel reviewed and approved this resolution;  
54 and

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56 WHEREAS, the Committee on Parks, Energy and Environment, at its July 12,  
57 2005 meeting, recommended approval of said request, as amended (vote 6-1);  
58 now, therefore

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60 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby  
61 clarifies the Lakefront Development Advisory Commission's authority for making  
62 non-binding recommendations on development proposals, and further limits its  
63 jurisdiction to public lakefront lands within Milwaukee County; and

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65 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors  
66 hereby authorizes and directs the Lakefront Development Advisory Commission  
67 to consider development proposals on public lakefront lands in which  
68 Milwaukee County, the City of Milwaukee and any other municipality and  
69 governmental entity that has agreed to participate in the Commission by  
70 adopting similar legislation, or by administrative or executive action and that has  
71 trust, grant, title or other possessory interest; and

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73 BE IT FURTHER RESOLVED, that the Lakefront Development Advisory  
74 Commission shall make non-binding recommendations on development  
75 proposals which meet the following conditions:

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  - New or expanded development proposals on public lands
  - Public art proposals for installation on the lakefront land falling within  
79 the boundaries set forth herein

80 ; and

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82 BE IT FURTHER RESOLVED, that Lakefront Development Advisory  
83 Commission shall be prohibited from making certain non-binding  
84 recommendations on development proposals that include, but shall not be  
85 limited by enumeration to, the following:

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87
  - New or expanded development proposals on private land

- 88           • Projects that involve routine minor parks maintenance for existing uses  
89           • Zoning changes including special use permits  
90           • Special use permits  
91           • Construction easements  
92           • Federally owned lakefront land

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94 ; and

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96           BE IT FURTHER RESOLVED, that a member of the Milwaukee County Board  
97 of Supervisors, the Superintendent of Parks Division/DPPI, Lakefront Development  
98 Advisory Commission (LDAC) or any other governmental entity that has trust,  
99 grant, title or other possessory interest in public lakefront lands may submit a  
100 request to the County Board seeking authority for LDAC to review a proposal  
101 that may not conform to the aforementioned criteria; and

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103           BE IT FURTHER RESOLVED, that the Superintendent of Parks/DPPI and  
104 County Board staff is hereby authorized and directed to analyze, recommend  
105 and report back in July 2005 to the County Board on the types of possible  
106 Milwaukee County Parks Division lease agreements covering public land that do  
107 not involve new or expanded development and/or special events permits that  
108 may be reviewed by the Lakefront Development Advisory Commission as part of  
109 its overall mission and vision; and

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111           BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors  
112 hereby authorizes and directs the Lakefront Development Advisory Commission  
113 (LDAC) to submit its recommendations only to that governing body which has  
114 trust, grant, title or other possessory interest in land that is the subject of a  
115 development or public art proposal being submitted to the Commission for its  
116 consideration and to any other governmental body that participates in LDAC  
117 that has authority under law to take any action related to the development or  
118 public art proposal; and

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120           BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors  
121 authorizes and directs the Lakefront Development Advisory Commission to make  
122 its recommendations available to any interested party or to the public for their  
123 information; and

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125           BE IT FURTHER RESOLVED, that participation in the Lakefront Development  
126 Advisory Commission (LDAC) or consideration of a proposal by LDAC does not  
127 expand or limit the authority of Milwaukee County to exercise its powers to act  
128 on the proposal or any aspect of it, nor does it authorize action on an LDAC  
129 recommendation by Milwaukee County without approval by the Milwaukee  
130 County Board of Supervisors; and

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132           BE IT FURTHER RESOLVED, that Milwaukee County Board staff is authorized  
133 and directed to work with the Superintendent of Parks and Milwaukee County's  
134 municipalities on the Lakefront Development Advisory Commission's  
135 membership and report back to the Parks Committee in September 2005.

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139       May 3, 2005

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